

18 MAR 2010



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of
Kim et al.
Application No.: 10/594,466
PCT No.: PCT/KR2005/000965
Int. Filing Date: 01 April 2005
Priority Date: 01 April 2004
Attorney Docket No.: CU-5130 WWP
For: Apparatus And Method For Receiving Digital
Television Signal With Backward Compatibility

DECISION

This is in response to the "Petition/Request..." filed on 12 January 2010.

BACKGROUND

This international application was filed on 01 April 2005, claimed an earlier priority date of 01 April 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 January 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 October 2006. Applicants filed *inter alia* the basic national fee on 27 September 2006.

On 14 February 2007, applicants filed *inter alia* a declaration.

On 04 June 2007, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "09/27/2006" were mailed to applicants.

DISCUSSION

Counsel states that "it is believed that the date of completion of 35 U.S.C. 371(c)(4) requirements was made on February 14, 2007," and requests that the filing receipt and Notice of Acceptance be "corrected" accordingly. Review of the record reveals that an executed declaration was filed on 14 February 2007. Inspection of that declaration reveals that the sheet signed by Seung-Won KIM appears to have been separately faxed, and later attached to the remaining sheets. MPEP 605.04(a) states (in part) that

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).<

while MPEP 201.03 further explains (in part) that

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of this policy, it would not be appropriate to accept the declaration filed on 14 February 2007 for purposes of compliance with 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a) and (b). Therefore, the Filing Receipt and Notice of Acceptance mailed on 04 June 2007 were issued in error, and both are hereby VACATED. Applicants are required to file an oath or declaration compliant with 37 CFR 1.497(a) and (b). A declaration naming the entire inventive entity and signed by Seung-Won KIM, and meeting all other pertinent requirements, would be acceptable.

DECISION

The petition is DISMISSED, without prejudice, for the above reasons.

A proper response (as described above) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283